

DETAILED ACTION

Request for Continued Examination

1. The request filed on January 7, 2010 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 10/502,185 is acceptable and a RCE has been established. An action on the RCE follows.
2. In view of the amendment filed January 7, 2010 and November 2, 2009, claims 2-5, 7, 9, 14, 15, 20-27, 29-34, 40-42 have been cancelled. Claims 1, 6, 8, 10-13, 16-19, 28, 39 are pending. The amendment is supported by applicants' specification (col. 21, line 17; col. 21, line 19-20; col. 26, line 55-60).
3. In view of the amendment filed January 7, 2010 and November 2, 2009, the rejection of claims 1, 6, 8, 10-13, 16-19, 25-28, 35-39 under 35 U.S.C. 112, first paragraph, is withdrawn. Further, the rejection of claim 25 under 35 U.S.C. 112, second paragraph, is withdrawn.
4. In view of the amendment filed January 7, 2010 and November 2, 2009, the rejection of claims 1, 6, 8, 10-13, 16-19, 25-28, 35-39, 41, 42 under 35 U.S.C. 103(a) as being unpatentable over Lipian et al. (US 6,455,650), is withdrawn because applicants have combined features of several dependent claims and move them to the independent claim 1. Therefore, in view of applicants' argument, the teachings of Lipian et al. are much broader than the invention being claimed. Because Lipian et al. are silent on the specific combination of catalyst, precatalyst, a second cocatalyst, and the exo isomer content of the norbornene-based compound being claimed, it would not be

obvious to obtain the process having the percent product yield being claimed, especially regarding to the unpredictability. In view of the difference in process, the product yield of the polymerization process being claimed can not be inherently possessed in Lipian et al.

Allowances

5. Claims 1, 6, 8, 10-13, 16-19, 28, and 39 are allowed.
6. The following is an examiner's statement of reasons for allowance:

As of the date of this office action, the examiner has not located or identified any reference that can be used singularly or in combination with another reference including the closest prior art of Lipian et al. (US 6,455,650) to render the present invention anticipated or obvious to one of ordinary skill in the art. of a catalyst for the polymerization of monomers.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William K. Cheung whose telephone number is (571) 272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/William K Cheung/
Primary Examiner, Art Unit 1796

William K. Cheung, Ph. D.
Primary Examiner
January 13, 2010

Application/Control Number: 10/502,185
Art Unit: 1796

Page 5